

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ALFERNES ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH	Docket No.:	11998.5USC9
Title:	CARDIAC DISEASE TREATMENT AND DEVICE		

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CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV372670480US

Date of Deposit: March 26, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/880,576 filed on June 13, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

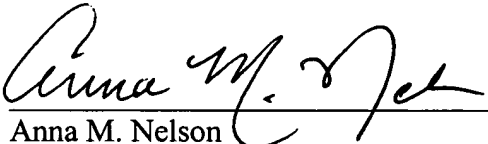
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Date March 26, 2004

  
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Anna M. Nelson  
Reg. No. 48,935  
AMN:PLStdM



<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 11998.5USC9	Application Number: NEW FILING
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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,983,863	10/05/1976	Janke et al.			
	4,048,990	09/20/1977	Goetz			
	4,403,604	09/13/1983	Wilkinson et al.			
	4,428,375	01/31/1984	Ellman			
	4,567,900	02/1986	Moore			
	4,630,597	12/23/1986	Kantrowitz et al.			
	4,690,134	09/01/1987	Snyders			
	4,821,723	04/18/1989	Baker, Jr. et al.			
	4,878,890	11/07/1989	Bilweis			
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	5,057,117	10/15/1991	Atweh			
	5,087,243	02/11/1992	Avitall			
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	5,429,584	07/04/1995	Chiu			
	5,507,779	04/16/1996	Altman			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	5,524,633	06/11/1996	Heaven et al.			
	5,603,337	02/18/1997	Jarvik			
	5,647,380	07/15/1997	Campbell et al.			
	5,702,343	12/30/1997	Alferness			
	5,713,954	02/03/1998	Rosenberg et al.			
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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 295 17 393 U1	03/14/96	Germany (English Language)				
	DE 295 17 393 U1	03/14/96	Germany (German Language)				
	EP 0 280 564	08/31/88	EP				
	JP 01-145066	06/07/89	Japan			Abstract Only	
	JP 60203250	10/14/85	Japan			Non	

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						certified	
	WO 98/29401	07/09/98	PCT				
	WO 98/58598	12/30/98	PCT (English Language)				
	WO 98/58598	12/30/98	PCT (German Language)				
	SU 1009457 A	04/07/83	Russia			Non certified	

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

	Capouya, et al., "Girdling Effect of Nonstimulated Cardiomyoplasty on Left Ventricular Function," <u>The Society of Thoracic Surgeons</u> , 56:867-871 (1993)
	Cohn, "The Management of Chronic Heart Failure", <u>The New Eng. J. of Med.</u> , 335 (7): 490-498 (August 15, 1996)
	Kass et al., "Reverse Remodeling From Cardiomyoplasty in Human Heart Failure, External Constraint Versus Active Assist", <u>Circulation</u> 91 (9): 2314-2318 (May 1, 1995)
	Levin et al., "Reversal of Chronic Ventricular Dilation in Patients With End-Stage Cardiomyopathy by Prolonged Mechanical Unloading", <u>Circulation</u> 91 (11): 2717-2720 (June 1, 1995)
	Oh et al., "The Effects of Prosthetic Cardiac Binding and Adynamic Cardiomyoplasty in a Model of Dilated Cardiomyopathy," <u>J. Thorac. Cardiovasc. Surg.</u> , 116:148-153 (1998)
	Paling, D., Warp Knitting Technology, pp. 1-3 (1952).
	Revista Española de Cardiología, Vol. 51, No. 7, Abstract in English (July 1998)
	Vaynblat et al., "Cardiac Binding in Experimental Heart Failure," <u>Ann. Thorac. Surg.</u> , 64:81-85 (1997)
	Vaynblat et al., "Cardiac Binding in Experimental Heart Failure," Abstract in Supplement to <u>Circulation</u> 92 (8):1810 (October 15, 1995).

**34379**

PATENT TRADEMARK OFFICE

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